



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

AO-1983-11
September 29, 1983

Mr. Robert Riccio, Esquire
Bisio and Dupont, P.C.
224 County Street
Attleboro, MA 02703

Dear Mr. Riccio:

This opinion is in response to your recent letter to this office in which you posed the following questions.

1. Under Section 13, may a candidate who is an appointed public employee solicit contributions for his campaign?

1. Section 13 prohibits a person employed for compensation, other than an elected officer, by the state or any county, city or town from soliciting contributions for his campaign, or for any political purpose whatsoever.

2. May other appointed public employees supporting this candidate's campaign solicit contributions or serve on the candidate's political committee?

2. An appointed public employee may not solicit contributions for any political purpose whatsoever. However, Section 13 does provide that "this section shall not prevent such persons from being members of political organizations or committees."

3. Would soliciting by members of the committee who are not public employees be construed as soliciting by the public employee members under an agency principal?

3. Section 13 clearly provides that no appointed public employee may solicit or receive anything of value for any political purpose whatsoever, either directly or indirectly. Therefore, an appointed public employee who is a member of a political committee may not utilize a non-public employee member of the committee for indirect solicitation purposes. Solicitation by a member of the committee who is not an appointed public employee, and which is done solely through his own efforts without assistance from the appointed public employee members would not be prohibited under section 13. However, such a non-public employee member of a political committee which has been organized on

behalf of a candidate who is an appointed public employee may not solicit or receive any contribution or other thing of value "on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility."

4. Would contributions to such a campaign by public employees be a violation of G.L. c. 55, §15?

4. Pursuant to Opinion of the Attorney General, October 27, 1964, it is permissible for public employees to make political contributions to legally constituted political committees organized on behalf of other public employees. However, such a contribution may not be given directly to the public employee candidate or to any other public employee on his behalf.

5. Is there a limit as to how much a person or corporation may contribute in any one year, or just how much a contributor can deduct on an income tax return?

C. 55 provides that individuals may contribute up to \$1,000 in a calendar year to a political committee. Business corporations are absolutely prohibited from making any contribution to, or expenditures on behalf of, any candidate for public office in Massachusetts. Corporations organized pursuant to the provisions of G.L. c. 180 may make contributions in an incidental manner to a political committee organized on behalf of a candidate.

I cannot respond to any question concerning tax implications of any of the above as these are matters beyond my jurisdiction.

6. Can the candidate's family solicit contributions and serve on the political committee as treasurer?

6. Members of a candidate's family are subject to the same restrictions as set forth above. The familial relationship has no bearing on the application of the campaign finance law. Thus, only those family members who are not appointed public employees may solicit contributions or serve as treasurer of the political committee.

If you have any further questions, please do not hesitate to contact us.

Very truly yours,

Dennis J. Duffin
Dennis J. Duffin
Director